



# Arizona State Board for Charter Schools

## Required Document Guidance

When registering a student, schools collect student information; some required by Arizona statute, some required by the Arizona Department of Education, and some necessary to provide continuity of services to students. Schools are encouraged to collect this separately from the student admissions process. In the event that a school chooses to collect student registration information simultaneously as admissions information, it is highly recommended that the forms clearly identify whether the information is being collected for admission or student registration. Where possible, the school should consider briefly explaining the purpose for collecting the information and/or documents.

### Required By Statute

#### *Documentation of Arizona Residency*

*Charter schools shall require and maintain verifiable documentation of residency in this state for pupils who enroll in the charter school. A.R.S. §15-802(B).*

The obligation of a charter school to require and maintain verifiable documentation of Arizona residency for students enrolling in the school must be undertaken in accordance with guidelines adopted by the Arizona Department of Education. The Department's Arizona Residency Guidelines identify the documentation required for schools to meet the legal requirements of A.R.S. § 15-802(B); the Guidelines do not require a student's birth certificate or that parents disclose or document their citizenship or immigration status to establish residency. See *Arizona Department of Education Arizona Residency Guidelines* (revised January 29, 2018) at <http://www.azed.gov/policy/files/2017/06/final-revised-residency-guideline-1-29-18.pdf>.

Proof of residency is not required for homeless students; a charter school may not deny enrollment to a homeless child (including a homeless child who is undocumented) because s/he cannot provide the required documents to establish residency. 42 U.S.C. § 11432(g)(3)(C)(i). See *Fact Sheet: Information on the Rights of All Children to Enroll in School* (2014) <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.

#### *Proof of pupil identity and age*

The first time a pupil is enrolled in a particular school, the school must, in writing, notify the person enrolling the pupil that proof of the pupil's identity and age must be provided to the school within 30 days. A.R.S. § 15-828(A). Acceptable documents are:

- A certified copy of the pupil's birth certificate;

- Other reliable proof of the pupil's identity and age, including the pupil's baptismal certificate, an application for a social security number or original school registration records and an affidavit explaining the inability to provide a copy of the birth certificate; or
- A letter from the authorized representative of an agency having custody of the pupil pursuant to A.R.S. Title 8, Chapter 2 certifying that the pupil has been placed in the custody of the agency as prescribed by law. A.R.S. §15-828(A).

Charter schools must accept any of these forms of verification of a student's age and identity. The school must place a copy of the document in the pupil's file and return the original. Proof of a student's age and identity is not required for homeless students. A.R.S. § 15-828(I)

If the documentation of identity and age is not received by the school within 30 days, the school must, in writing, notify the person that enrolled the pupil that if the required documents are not received within 10 days, the matter shall be referred to local law enforcement. If the school has not received the documents within the 10 day window, the school must refer the matter to the local law enforcement agency. A.R.S. § 15-828(E).

*Can a charter school require parents to provide a government-issued ID or a Social Security number for themselves or their children for admission to the charter school?*

No. Charter schools may not require parents to provide a government-issued ID or a Social Security number for themselves or their children in order to enroll in or attend the school. *See Fact Sheet: Information on the Rights of All Children to Enroll in School* (2014) <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.

### *Primary Home Language Other Than English (PHLOTE)*

The primary or home language for all new pupils who enroll in a charter school must be identified in a manner prescribed by the Superintendent of Public Instruction. A.R.S. §15-756(A). The primary or home language of all students must be identified by the student's parent or legal guardian on the enrollment form and on the home language survey. A.A.C. R7-2-306(B)(I).

The website of the Arizona Department of Education contains the state-approved Primary Home Language Other Than English (PHLOTE) Home Language Survey that charter schools are required to use to determine whether a student will be assessed for English Language Proficiency. <http://www.azed.gov/oelas/forms/>. The Survey form contains three questions and advises parents that “[r]esponses to these statements will be used to determine whether the student will be assessed for English Language Proficiency.” *Id.* This is the approved form issued by the Arizona Department of Education and charter schools are prohibited from altering the form in any way. To avoid inconsistent responses to PHLOTE form questions, charter schools should attempt to acquire a completed form from an enrolling student's prior school when possible.

To meet the obligations set forth in Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, charter schools must have procedures in place to accurately and timely identify PHLOTE students and determine if they are English learners (EL) through a valid and reliable English Language Proficiency Assessment. *See Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA)*, U.S. Dep't of Education at <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiii/guidenglishlearners92016.pdf>; *Dear Colleague Letter: English Learner Students and Limited English*

*Proficient Parents*, U.S. Dep’t of Justice, Civil Rights Division, and U.S. Dep’t of Education, Office for Civil Rights at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.<sup>1</sup> Additionally, charter schools are prohibited from limiting admission on the basis of “ethnicity, national origin, gender, income level, disabling condition, and proficiency in the English language or athletic ability.” A.R.S. § 15-184(F).

Additionally, charter schools must communicate to limited English proficient parents in a language they can understand about any program, service, or activity that is called to the attention of parents who are proficient in English. See 20 U.S.C. § 1703(f); *Information for Limited English Proficiency (LEP) Parents and Guardians and for Schools and School Districts That Communicate with Them*, U.S. Dep’t of Justice, Civil Rights Division, and U.S. Dep’t of Education, Office for Civil Rights at <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>. This includes the communication of information related to enrollment in the charter school and its programs. *Id.* The state-approved PHLOTE form and other English Learner forms are made available online in English and Spanish at <http://www.azed.gov/oelas/forms/>. If written translations are not practicable, school districts must offer parents free oral interpretation of the written information. *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents* at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. The Arizona Department of Education Office of English Language Acquisition Services can assist in the provision of translation services.

#### Required By Arizona Department of Education

The Arizona Department of Education asks schools to report demographic information associated with students, including home language, race, and state/country of birth. If schools are requesting this information on enrollment documentation, the school should clearly indicate that this information is not used in decisions regarding student enrollment.

*The material contained in this document is for informational purposes only. The information is not intended to be and should not be considered legal advice. Charter schools should consult their own legal counsel for further information and advice.*

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<sup>1</sup> The U.S. Dep’t of Justice, Civil Rights Division, and U.S. Dep’t of Education, Office for Civil Rights have identified the following compliance issues related to EL student identification and assessment, including: when a school (1) does not have a process in place to initially identify the primary or home language of all enrolled students or (2) uses a method of identification, such as an inadequate Home Language Survey, that fails to identify significant numbers of potential EL students. *Id.*